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ATTORNEY GENERAL OF NEW JERSEY

APR - 3 1995

BOARD OF PHARMACY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
NICHOLAS GUARINO :
:
TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY :

Administrative Action

ORDER OF REINSTATEMENT

RI 15329:

This matter was opened to the New Jersey State Board of Pharmacy on application by respondent for reinstatement of his license to practice pharmacy in the State of New Jersey. On May 13, 1987, a Consent Order was entered by the Board of Pharmacy which suspended the license of respondent to practice pharmacy for twelve (12) months commencing on the date of the entry of that Order. In addition, the order provided that respondent shall appear before the Board to demonstrate that his fitness and competence to resume practice prior to reinstatement of his license.

Mr. Guarino appeared before the Board on February 8, 1995. Respondent testified that although he had successfully completed in-patient and out-patient rehabilitation shortly after the suspension of his license, he chose not to request an appearance before the Board

until he felt secure that he could abstain from unlawfully consuming controlled dangerous substances. Respondent spoke at length about his present lifestyle in a rural town in Pennsylvania, about the home that he had built in Pennsylvania with his own hands, and how his new found appreciation of nature and the beauty of his surroundings had dispelled any lingering thoughts of drugs. Mr. Guarino related that he had kept current with the profession through continuing education and was desirous of obtaining reciprocal licensure in Pennsylvania in order to practice near his home.

The Board has reviewed the respondent's testimony and finds, at this juncture, that he is fit and competent to resume the practice of pharmacy.

WHEREFORE, IT IS ON THIS DAY OF , 1995,

ORDERED AND AGREED THAT:

1. Respondent shall submit documentation to the Board of his successful completion of 75 hours of continuing education.

2. Respondent shall be required to attain a passing grade on the Law Exam administered by the Board of Pharmacy.

3. Upon compliance with paragraphs 1 and 2 of this Order, respondent's license shall be reinstated subject to the following conditions set forth in paragraphs 4 through 9 of this Order.

4. Respondent shall provide written notice to the Board of Pharmacy at least seven (7) business days prior to commencing employment as a pharmacist in any jurisdiction.

5. Respondent shall have his urine monitored at his own expense on a random unannounced weekly basis with direct witnessing of the samples for the first three months he is employed as a pharmacist. The

initial drug screen will utilize the EMIT technique and all conforming tests and/or secondary tests will be performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

6. The result of all tests shall be reported directly to H. Lee Gladstein, Executive Director of the Board, or his designee in the event he is unavailable. The Board may at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

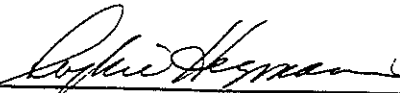
7. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, e.g. physician's report.

8. Any failure to appear for a urine test for which consent is not secured from the Board and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for activation of the suspension upon short notice.

9. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be

limited to a showing that the urine tested was not his or was a false positive, in the case of urine testing, or that other information submitted was false.

STATE BOARD OF PHARMACY

By: 
Sophie Heymann, ~~MD~~., President

I have read the above Order
and I understand its terms.
I consent to the entry of this
Order by the State Board of
Pharmacy.


Nicholas Guarino, Respondent